

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

Angelo Redding,)	
)	
Plaintiff,)	Civil Action No. 5:12-cv-02113-JMC
)	
v.)	ORDER
)	
)	
Sun Printing, Inc.,)	
)	
Defendant.)	
_____)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation ("Report"), [Dkt. No. 12], filed on January 11, 2013, recommending Defendant Sun Printing, Inc.'s Motion to Dismiss [Dkt. No. 4] be granted, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, if Plaintiff Angelo Redding fails to effect valid service on Sun within thirty (30) days from the date of the Report and Recommendation. Plaintiff brought this action seeking relief under Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e, et seq.; as well as state law claims of negligence. Plaintiff alleges a hostile work environment, individual acts of racial discrimination, a constructive discharge and retaliation for opposition to racially discriminatory acts by Defendants. The Report sets forth in detail the relevant facts and legal standards on this matter which the court incorporates herein without a recitation.

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C.

§ 636(b)(1).

No objections have been filed to the Report. In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation. [Dkt. No. 12]. It is therefore **ORDERED** that Plaintiff must validly effect service on Defendant within thirty (30) days from the date of the Report and Recommendation and file proof thereof with this court on or before February 15, 2013. If Plaintiff fails to effect valid service on Defendant and file proof of service with this court in accordance with this order, Plaintiff's case will be dismissed as requested in Defendant's motion [Dkt. No. 4], pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.



United States District Judge

Greenville, South Carolina
January 30, 2013